

TOWN OF AMHERST, MASSACHUSETTS
PERSONNEL BYLAW
AMENDED THROUGH SEPTEMBER 1, 1995

Section 1 - Name of Bylaw and Authority

This Bylaw shall be known and cited as "The Personnel Bylaw", and is hereby adopted pursuant to the provisions of the General Laws, Chapter 41, Section 108-C, and amendments thereof.

Section 2 - Coverage

This Bylaw shall be applicable to all persons in the service of the Town except officials elected by popular vote, the Town Manager, and persons under the direction and control of the School Committee. All persons covered hereby shall receive the rate of pay and be subject to the provisions set forth by the Board of Selectmen on recommendation of the Personnel Board, subject to budgetary considerations and appropriation of funds. Nothing in this Bylaw shall be construed to be in conflict with Chapter 31 of the General Laws relating to Civil Service, or with Chapter 1078 of the Acts of 1973 relating to Public Employee Collective Bargaining, which shall prevail if there is any conflict.

It shall be the policy of the Town of Amherst to guarantee equal opportunity to all qualified applicants and to all employees with respect to initial appointment, advancement, compensation, and general working conditions without regard to age, race, creed, color, sex, national origin, or physical condition.

Section 3 - Personnel Board and Town Manager

There shall be a Personnel Board consisting of five members, each member to serve for a three-year term, expiring on June 30 of the third fiscal year after their appointment. No person in the employ of or holding an official position in the Town government, except Town Meeting members, shall be eligible for appointment to the Personnel Board.

The Board of Selectmen shall appoint four members of the Personnel Board. For one member, the Board of Selectmen shall receive a nomination for appointment from the employees covered by this by-law. One member of the Personnel Board shall be appointed by the Library Trustees. Members of the Personnel Board must be residents of the Town of Amherst. The Personnel Board shall elect a Chair.

The Personnel Board has the conclusive authority to interpret this Bylaw and to decide all questions relating to its application. The Personnel Board, upon the recommendation of the Town Manager, or on its own motion, with the advice of the Town Manager, shall promulgate procedures deemed necessary for the administration of this Bylaw. Such procedures shall be delineated in the Personnel Procedures Manual.

Section 4 - Classification of Positions and Pay Scales

The classification of positions in the service of the Town, the establishment of a compensation plan; and its periodic updating, is the responsibility of the Board of Selectmen on the recommendation of the Personnel Board. The classification plan shall be based on similarity of duties performed and the responsibilities assumed so that the same qualifications may be reasonably required for, and the same schedule of pay may be equitably applied to, all positions in the same classification.

The Personnel Board shall recommend changes to the classification plan to the Board of Selectmen for their approval.

A compensation plan shall be established by the Board of Selectmen on the recommendation of the Personnel Board. Such compensation plan shall delineate the levels and steps which employees shall be compensated for their services at.

With the exception of appointments made for emergencies, no employee may be appointed to a position not included in the classification plan.

Section 5 - Hours of Work

Procedures regarding the hours of work, compensatory time, and overtime shall be established by the Personnel Board.

Section 6 - Vacations

All employees covered by the Bylaw shall be eligible for vacation according to procedures established by the Personnel Board.

Section 7 - Sick Leave

Sick leave shall be granted to all benefited employees covered by this by-law according to procedures established by the Personnel Board.

Section 8 - Holidays

The Personnel Board shall establish procedures for the granting of holidays to employees covered by this Bylaw. Such procedures shall delineate the process to compensate those employees required to work on holidays.

Section 9 - Other Leave

Procedures for the granting of other leaves shall be established by the Personnel Board in compliance with federal and state regulations. Examples of such leaves include, but are not limited to, leave for jury service, military leave, family and medical issues, injury, religious observance, bereavement, personal, and leave without compensation.

Section 10 - Adoption and Amendment of Classification, Compensation and Personnel Policies

Any member of the Personnel Board, the Town Manager, any employee, or any citizen of Amherst may suggest policies or procedures for consideration by the Personnel Board. The Personnel Board shall post an agenda of each meeting. Any recommendations of policy shall contain the text of the proposal, an explanation of the proposal, and the implications, financial or otherwise, of the proposal.

The Personnel Board shall act on any proposals within sixty (60) days of the meeting of the Personnel Board at which the proposal is first introduced for consideration by the Personnel Board. The Personnel Board shall make recommendations to the Board of Selectmen with regard to policies. Policies shall become effective upon the approval of the Board of Selectmen, unless some other date is specified when the Board of Selectmen approves the policy. The Personnel Board shall take action with regard to procedures. Procedures approved by the Personnel Board shall become effective on the date the Personnel Board votes to amend the Procedures Manual, unless some other date is specified when the Personnel Board approves the procedure.

Section 11 - Annual Report

The Board of Selectmen shall provide a detailed report to the Annual Town Meeting. Such report shall include any approved changes in any of the policies listed above.

Section 12 - Severability

Each provision of this Bylaw shall be construed as separate to the extent that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.